

REMARKS

Certified copies of Japanese Patent Applications No. 2001-232672 and 2000-234857, the priority of which has been claimed in this application, were mailed
5 to the U.S. Patent Office on September 6, 2001. Acknowledgement of receipt of these priority documents is respectfully requested.

Claims 1 to 19 are pending in this application. Reconsideration of the application is respectfully requested in view of this amendment and the following remarks.

10 The Examiner indicates in the Office Action that claims 1-4 and 7-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/012351 to Sawabe et al.

In response to the Examiner's indication, claim 1 has been amended as set forth above to incorporate the limitations cited in the claims 3 and 4. The claims 3
15 and 4 have been cancelled, and the claims 6 and 8 depending upon the claims 4 and 3 have been cancelled. The amended claim 1 further includes the limitation " control means for controlling said output level adjusting means to have said output level adjusting means adjust the output levels of said sound signals respectively on said channels based on said output level information stored in said information storing
20 means before said decoding means starts decoding said sound data into said sound signals respectively on said channels. The amendments are supported by the specification at page 10, lines 21 to 23, page 11, line 36 to page 12, line 8, and FIG. 4, accordingly are within the scope of the application as originally filed.

The sound retrieval apparatus defined in the amended claim 1 thus constructed
25 can assign the channels for transmitting the sound signals thereon to the speakers provided the sound signals thereto based on the channel assignment information stored in the information storing means without any laborious task at the output patch board as well as provide the speakers with the sound signals in the output levels on the respective channels respectively adjusted before the decoding means starts decoding

the sound data into sound signals respectively on the channels.

Sawabe et al discloses an information reproducing apparatus for reproducing sound information comprising: an audio decoder 93 for decoding sound data into sound signals, a demultiplexer 86 for demultiplexing the sound signals, information storing means 124a for storing the audio attribute information, and a system controller 100 for controlling the demultiplexer 86 based on the audio attribute information.

Sawabe et al, however, fails to teach or suggest control means for controlling said assigning means to have said assigning means assigning said channels to said speakers respectively based on said channel assignment information stored in said information storing means, and controlling said output level adjusting means to have said output level adjusting means adjust the output levels of said sound signals respectively on said channels based on said output level information stored in said information storing means before said decoding means starts decoding said sound data into said sound signals respectively on said channels.

This means that the information reproducing apparatus taught by Sawabe may assign the channels for transmitting the sound signals thereon to the speakers provided the sound signals thereto based on the channel assignment information stored in the information storing means while the audio decoder 93 is decoding the sound data into sound signals respectively on the channels but cannot provide the speakers with the sound signals in the output levels on the channels respectively adjusted before the audio decoder 93 starts decoding the sound data into sound signals respectively on the channels.

From the foregoing description, it is to be understood that the sound retrieval apparatus defined in the amended claim 1 is entirely different in construction from the information reproducing apparatus taught by Sawabe. The fact that the construction of the sound retrieval apparatus defined in the amended claim 1 is entirely different in construction from the information reproducing apparatus taught by Sawabe leads to the fact that the above function and advantages attained by the sound retrieval apparatus defined in the amended claim 1 cannot be expected from the information reproducing

apparatus taught by Sawabe. Accordingly, it is believed that the amended claim 1 is patentably distinguishable over Sawabe.

The claims 2, 5, 7, and 9 are dependent on the amended claim 1 which is believed to be patentably distinguishable over the disclosure of Sawabe et al as will be understood from the previously mentioned reasons. It is, therefore, believed that the claims 2, 5, 7, and 9 are patentably distinguishable over the disclosure of Sawabe et al.

Further, claim 10 has been amended as set forth above to incorporate the limitations cited in the claims 12 and 13. The claims 12 and 13 have been cancelled, and the claims 15 and 17 depending upon the claims 13 and 12 have been cancelled.

The amended claim 10 further includes the limitation “ control means for controlling said output level adjusting means to have said output level adjusting means adjust the output levels of said sound signals respectively on said channels based on said output level information obtained by said detecting means before said decoding means starts decoding said sound data into said sound signals respectively on said channels.”

The amendments are supported by the specification at page 11, line 17 to page 12, line 8, and FIG. 4, accordingly are within the scope of the application as originally filed.

The sound retrieval apparatus defined in the amended claim 10 thus constructed can assign the channels for transmitting the sound signals thereon to the speakers provided the sound signals thereto based on the channel assignment information obtained by the detecting means without any laborious task at the output patch board as well as provide the speakers with the sound signals in the output levels on the respective channels respectively adjusted before the decoding means starts decoding the sound data into sound signals respectively on the channels.

Sawabe et al, however, fails to teach or suggest control means for controlling said assigning means to have said assigning means assigning said channels to said speakers respectively based on said channel assignment information obtained by said detecting means, and controlling said output level adjusting means to have said output level adjusting means adjust the output levels of said sound signals respectively on

said channels based on said output level information obtained by said detecting means before said decoding means starts decoding said sound data into said sound signals respectively on said channels.

From the foregoing description, it is to be understood that the sound retrieval
5 apparatus defined in the amended claim 10 is entirely different in construction from the
information reproducing apparatus taught by Sawabe. The fact that the construction
of the sound retrieval apparatus defined in the amended claim 10 is entirely different in
construction from the information reproducing apparatus taught by Sawabe leads to the
fact that the above function and advantages attained by the sound retrieval apparatus
10 defined in the amended claim 10 cannot be expected from the information reproducing
apparatus taught by Sawabe. Accordingly, it is believed that the amended claim 10 is
patentably distinguishable over Sawabe.

The claims 11, 14, 16, and 18 are dependent on the amended claim 10 which is
believed to be patentably distinguishable over the disclosure of Sawabe et al as will be
15 understood from the previously mentioned reasons. It is, therefore, believed that the
claims 11, 14, 16, and 18 are patentably distinguishable over the disclosure of Sawabe
et al.

The Examiner indicates in the Office Action that claim 19 is rejected under 35
U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No.
20 2003/0123346 to Ishii et al.

In response to the Examiner's indication, claim 19 has been amended as set
forth above. The amendments are supported by the specification at page 15, lines 12
to 15, accordingly are within the scope of the application as originally filed.

The sound recording apparatus defined in the amended claim 19 thus
25 constructed makes it possible for the sound retrieval apparatus to assign the channels
for transmitting the sound signals thereon to the speakers provided the sound signals
thereto based on the channel assignment information obtained by the detecting means
without any laborious task at the output patch board as well as provide the speakers
with the sound signals in the output levels on the respective channels respectively

adjusted before the decoding means starts decoding the sound data into sound signals respectively on the channels.

Ishii et al, however, fails to teach or suggest inputting means for having
inputted thereto identification data identifying channel assignment information; about
5 a specific association between said channels and said speakers and output level
information about a specific association between said channels and said output levels
of said sound signals respectively on said channels; and recording means for recording
said identification data attached to said sound data in a manner that said identification
data is read before said sound data is read.

10 From the foregoing description, it is to be understood that the sound recording
apparatus defined in the amended claim 19 is entirely different in construction from the
disclosure of Ishii. The fact that the construction of the sound recording apparatus
defined in the amended claim 19 is entirely different in construction from the
disclosure of Ishii leads to the fact that the above function and advantages attained by
15 the sound recording apparatus defined in the amended claim 19 cannot be expected
from the disclosure of Ihii. Accordingly, it is believed that the amended claim 19 is
patentably distinguishable over Sawabe.


In view of the foregoing description, it is submitted that the present invention
is allowable over the prior arts of record and that the present application is thus in
20 condition for allowance and notice to such effect is respectfully requested.

If any fees are required by this communication, please charge such fees to our
Deposit Account No. 16-0820, Order No. 33841.

Respectfully submitted,

PEARNE & GORDON LLP

By


James M. Moore, Reg. No. 32923

30 1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108
(216) 579-1700

35 Date: 12/08/04